

September 29, 2008

Via Electronic Filing

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: *Ex Parte* Notice: WC Docket No. 06-122; CC Docket No. 96-45

Dear Ms. Dortch:

On September 10, 2008, AT&T and Verizon met with Federal Communications Commission ("FCC" or "Commission") staff to present a joint proposal to implement a telephone numbers-based universal service contribution methodology.¹ Under the joint proposal, contributions to the federal Universal Service Fund ("USF") would be based on the "Assessable Numbers" each contributor provides to a "Final Consumer of Service." The undersigned providers express no opinion on the general merits of the joint proposal. However, as providers of Internet-based telecommunications relay services ("TRS"), the undersigned companies are concerned that the joint proposal makes no exception for telephone numbers provided to users of Internet-based TRS. Providers of Internet-based TRS, including video relay service ("VRS") and IP Relay, are not required to contribute to the federal USF today. The Commission should ensure that any new contribution methodology does not inadvertently require these providers to contribute.

As of December 31, 2008, users of Internet-based TRS, including VRS and IP Relay, will be eligible to receive ten-digit telephone numbers linked to the North American Numbering Plan ("NANP").² Users of VRS and IP Relay do not pay for these services. Instead, providers are compensated through the Interstate TRS Fund, which is

¹ "Direct USF Contribution Methodology," attached to Letter from Mary L. Henze, AT&T Services, Inc., and Kathleen Grillo, Verizon, to Marlene Dortch, FCC, WC Docket No. 06-122 and CC Docket No. 96-45 (Sept. 11, 2008) ("Joint Proposal").

² *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; E911 Requirements for IP-Enabled Service Providers*, CG Docket No. 03-123 and WC Docket No. 05-196, Report and Order and Further Notice of Proposed Rulemaking, 23 FCC Rcd 11591, ¶ 1 (2008).

funded by contributions assessed on providers of interconnected Voice over Internet Protocol (“VoIP”) services and “all interstate telecommunications common carriers . . . on the basis of their relative share of interstate end user revenues.”³ Internet-based relay services are considered by the FCC not to be common carrier services⁴ and revenues from Internet-based TRS are not currently subject to USF contributions.

The AT&T-Verizon USF proposal states that a Contributor is “an entity that provides an Assessable Number to a Final Consumer of Service.”⁵ An Assessable Number is defined as a “North American Numbering Plan (NANP) telephone number that enables a Final Consumer of Services to make or receive calls.”⁶ Therefore, it appears that under the AT&T-Verizon proposal, the telephone numbers assigned to users of Internet-based TRS would be subject to USF assessments, despite the fact that providers of Internet-based TRS currently do not contribute to USF. Such a result makes no sense. The proposal recognizes the need for limited exceptions, and provides for four: Lifeline numbers; administrative numbers; prepaid wireless numbers; and non-primary numbers associated with wireless family sharing calling plans.⁷ If the Commission were to adopt the joint proposal, it should add a fifth exception for numbers provided to users of Internet-based TRS, similar to the exception that the proposal already makes for numbers provided to Lifeline customers.⁸ Such an exception would avoid expanding the contribution requirements to providers that do not currently contribute to the USF.

³ “Interstate Telecommunications Relay Services Fund Payment Formula and Fund Size Estimate,” attached to Letter from John Ricker, NECA, to Marlene H. Dortch, FCC, CG Docket No. 03-123, at 3 (May 1, 2008); *see also* 47 C.F.R. § 64.604(c)(5)(iii)(A); 47 C.F.R. § 64.601(b).

⁴ *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Report and Order and Further Notice of Proposed Rulemaking, 15 FCC Rcd 5140, ¶ 81 (2000) (finding that “TRS providers do not provide telecommunications services” and “are not telecommunications carriers”); *see also Provision of Improved Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Declaratory Ruling and Second Further Notice of Proposed Rulemaking, 17 FCC Rcd 7779, ¶¶ 13-14 (2002).

⁵ Joint Proposal at 1.

⁶ *Id.*

⁷ *Id.* at 3-4.

⁸ *Id.* at 3.

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Pursuant to the Commission's rules, this letter is being submitted for inclusion in the public record of the above-referenced proceeding.

Respectfully submitted,

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